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2/0/4

1636

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Rabbani et al.	
Serial No.:	08/978,635	Group Art Unit: 1636
Filed:	November 25, 1997	Examiner:
		Konstantina T. Katcheves
For:	PROCESS FOR SELECTIVE EXPRESSION OF NUCLEIC ACID PRODUCTS	

527 Madison Avenue (9<sup>th</sup> Floor)  
New York, New York 10022-4304  
February 9, 2004

**FILED BY EXPRESS MAIL**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE JANUARY 27, 2004 NOTICE OF  
NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Dear Sirs:

This is a response to the January 27, 2003 Notice of Non-Compliant Amendment (37 C.F.R 1.121) (copy attached as Exhibit 1) that was issued in connection with the above-identified application. A response to the January 27, 2004 Non-Compliant Notice is due by February 27, 2004. Accordingly, this response is being timely filed.

Rabbani et al.

Serial No.: 08/978,635

Filed: November 25, 1997

Page 2 [Response To The January 27, 2004 Notice Of Non-Compliant Amendment  
(37 CFR 1.121) – February 9, 2004]

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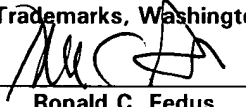
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Deposit Date February 9, 2004

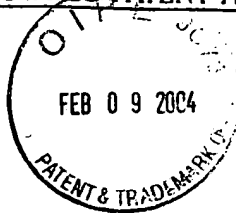
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.

  
\_\_\_\_\_  
Ronald C. Fedus  
Reg. No. 32,567

FEB 9 2004  
\_\_\_\_\_  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 202  
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/5/2003 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Amended claims do not identify amended, deleted, or added matter

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

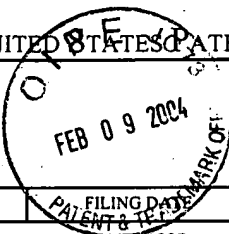
If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

H. Turner  
Legal Instruments Examiner (LIE)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/978,635	11/25/1997	ELAZAR RABBANI	ENZ-53(DIV4)	4641

7590 01/27/2004

ENZO THERAPETICS  
C/O ENZO BIOCHEM INC  
527 MADISON AVENUE 9TH FLOOR  
NEW YORK, NY 10022

EXAMINER

KATCHEVES, KONSTANTINA T

ART UNIT PAPER NUMBER

1636

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.